

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Crim. No. 06-0298 (PJS/SRN)

Plaintiff,

v.

ORDER ADOPTING IN PART REPORT
AND RECOMMENDATION AND
DENYING MOTION TO SUPPRESS

LYLE ROBERT PATON,

Defendant.

Tracy T. Braun, Assistant United States Attorney, UNITED STATES ATTORNEY'S OFFICE, Minneapolis, MN, for plaintiff.

Seamus R. Mahoney, St. Paul, MN, for defendant.

This matter is before the Court on defendant Lyle Robert Paton's objections to the January 4, 2007 Report and Recommendation ("R&R") of Magistrate Judge Susan R. Nelson. Judge Nelson recommends denying Paton's motion to suppress evidence obtained during an encounter with the police on July 7, 2006 and pursuant to search warrants issued on July 17, 2006 and on July 31, 2006.

The Court has reviewed the record de novo, as required by 28 U.S.C. § 636(b)(1) and Fed. R. Crim. P. 59(b)(3), and agrees with Judge Nelson's recommendation to deny Paton's motion. The Court does not, however, adopt Judge Nelson's entire report. A written opinion explaining the Court's reasoning for denying Paton's motion will be forthcoming.

ORDER

Based on the foregoing and on all of the files, records, and proceedings herein, the Court OVERRULES Paton's objection [Docket No. 42] and ADOPTS IN PART Judge Nelson's Report and Recommendation [Docket No. 40]. Accordingly, IT IS HEREBY ORDERED THAT Paton's motion to suppress [Docket No. 18] is DENIED.

Dated: February 2, 2007

s/Patrick J. Schiltz

Patrick J. Schiltz
United States District Judge